

EXHIBIT 6

Leslie DeMars CONFIDENTIAL - October 23, 2019

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT Case No. 5:17-cv-194</p> <p>MISTY BLANCHETTE PORTER, M.D., Plaintiff</p> <p>vs. DARTMOUTH-HITCHCOCK MEDICAL CENTER, DARTMOUTH-HITCHCOCK CLINIC, MARY HITCHCOCK MEMORIAL HOSPITAL, and DARTMOUTH-HITCHCOCK HEALTH, Defendants.</p> <p style="text-align: center;">CONFIDENTIAL</p> <p style="text-align: center;">DEPOSITION OF LESLIE DeMARS taken on behalf of the Plaintiff at Norwich, Vermont, on October 23, 2019, at 9:00 a.m., before Cynthia Foster, Registered Professional Reporter.</p>	<p style="text-align: right;">3</p> <p>1 Original Notice of Deposition of Leslie DeMars and Amended Notice of Deposition of Leslie DeMars 6</p> <p>2 Subpoena to Testify at a Deposition in a Civil Case 7</p> <p>3 Letter, Birkmeyer and Compton to Leslie DeMars, DH13075-13082 9</p> <p>4 Notice of Subpoena to Leslie DeMars, 4/3/18 15</p> <p>5 Notice of Subpoena to Leslie DeMars, 6/11/19 15</p> <p>6 Excerpt of Deposition of Joanne Conroy, 9/18/19 24</p> <p>7 Email string, DeMars and David Seifer, 9/8/17 DH0011349 25</p> <p>8 Text messages between Leslie DeMars and Misty Porter, DEMARS0000001-87 41</p> <p>9 Email string, DeMars and Porter and McBean, DH0021243-44 59</p> <p>10 Email string, Porter and DeMars re</p>
<p style="text-align: right;">2</p> <p>APPEARANCES: Geoffrey Judd Vitt, Esquire Sarah Nunan, Esquire Julia Korkus, Paralegal Vitt & Associates, PLC 8 Beaver Meadow Road P.O. Box 1229 Norwich, Vermont, 05055, on behalf of the Plaintiff, Misty Blanchette Porter, M.D., also present. Katherine Burghardt Kramer, Esquire KBK Law 6 Mill Street P.O. Box 23 Middlebury, Vermont, 05753, on behalf of the Plaintiff, Misty Blanchette Porter, M.D., also present. Donald W. Schroeder, Esquire Foley & Lardner, LLP 111 Huntington Avenue, Suite 2500 Boston, Massachusetts, 02199-7610, on behalf of the Defendants, Dartmouth-Hitchcock Medical Center, Dartmouth-Hitchcock Clinic, Mary Hitchcock Memorial Hospital, and Dartmouth-Hitchcock Health.</p>	<p style="text-align: right;">4</p> <p>11 Email, McBean to DeMars, 7/28/2016, DH0025543-44 71</p> <p>12 Email, Seguin to DeMars, 7/28/2016, DH0011269-70 96</p> <p>13 Email, DeMars to Padin, DH0021261-62 106</p> <p>14 Excerpt from deposition of Ed Merrens 109</p> <p>15 Email, DeMars to Padin, 5/12/2016, re DS and credentialing, DH0021253 110</p> <p>16 Chat with Richard Reindollar, DeMars0000101-102 111</p> <p>17 Email, Porter to DeMars re confidential review, 2/20/2017, DH0025077-79 115</p> <p>18 Email, Todd to DeMars re confidential review, 2/21/2017, DH0025437-42 115</p> <p>19 Email, Gunnell to DeMars re confidential review, 2/24/2017, DH0025441-42 115</p> <p>20 Email string, Gunnell to Herrick, DeMars, re: REL/IVF Action Plan, 4/19/2017, DH0009582-83 with attachments 159</p> <p>21 Email, DeMars to Strohbehn, et al,</p>

Leslie DeMars CONFIDENTIAL - October 23, 2019

<p style="text-align: right;">41</p> <p>1 Dartmouth-Hitchcock in order to participate in</p> <p>2 retrievals and transfers and very specific IVF</p> <p>3 procedures.</p> <p>4 Q Okay.</p> <p>5 A Those would be things that the residents would</p> <p>6 not be performing.</p> <p>7 Q Right. Back to this issue of people losing</p> <p>8 respect, did you mention Daniel Herrick, was he</p> <p>9 one of the ones?</p> <p>10 A No.</p> <p>11 Q Let me mark as Exhibit 8, these are the text</p> <p>12 messages between you and Dr. Porter.</p> <p>13 (Exhibit 8 marked for identification)</p> <p>14 Q Tell me when you first began working with Dr.</p> <p>15 Porter.</p> <p>16 A 1997.</p> <p>17 Q And in what context? How did you two come to</p> <p>18 meet?</p> <p>19 A Both of us joined the department at</p> <p>20 approximately the same time as junior faculty.</p> <p>21 Q Did you and she have a working relationship</p> <p>22 before you became Chair?</p> <p>23 A We worked together as colleagues, yes.</p> <p>24 Q Okay. Did you and she serve on certain</p> <p>25 committees and boards together?</p>	<p style="text-align: right;">43</p> <p>1 messages where you refer to "Misty magic." Do</p> <p>2 you recall using that term?</p> <p>3 A Absolutely.</p> <p>4 Q What did you mean by that?</p> <p>5 A Misty, Misty is an amazingly gifted and</p> <p>6 dedicated reproductive endocrinologist and</p> <p>7 infertility specialist who I think through</p> <p>8 technical skill and creativity was able to</p> <p>9 achieve lots of desired pregnancies for women,</p> <p>10 and that's her "Misty magic."</p> <p>11 Q Was she also skilled at reading ultrasounds?</p> <p>12 A I think that she is skilled at reading</p> <p>13 ultrasounds.</p> <p>14 Q She also for a number of years did benign</p> <p>15 surgery, correct?</p> <p>16 A Yes.</p> <p>17 Q Was she a talented surgeon?</p> <p>18 A Some things, yes.</p> <p>19 Q You mean for certain --</p> <p>20 A For certain procedures, yes.</p> <p>21 Q What procedures?</p> <p>22 A I think for infertility-related procedures such</p> <p>23 as intrauterine resections, hysteroscopic</p> <p>24 resections.</p> <p>25 Q Any others?</p>
<p style="text-align: right;">42</p> <p>1 A We were both examiners for the American Board of</p> <p>2 Obstetrics and Gynecology.</p> <p>3 Q And who nominated Dr. Porter to be a board</p> <p>4 examiner? Would that have been you?</p> <p>5 A I don't remember.</p> <p>6 Q What percentage of the OB/GYNs across the</p> <p>7 country do you estimate are board examiners?</p> <p>8 MR. SCHROEDER: If you know.</p> <p>9 A I have no idea.</p> <p>10 Q You and she became friends?</p> <p>11 A Yes.</p> <p>12 Q Before her illness, did you see the friendship</p> <p>13 as a problem given your position as Chair?</p> <p>14 A My friendship with Misty was the most difficult</p> <p>15 part of being the Chair.</p> <p>16 Q Why?</p> <p>17 A Because I was forced to accept as true actions</p> <p>18 and behaviors that I didn't want to see from my</p> <p>19 friend, and in my position as Chair, I tried</p> <p>20 very hard to protect my friend.</p> <p>21 Q Was there any question about her competence?</p> <p>22 A Prior to her illness?</p> <p>23 Q Yes. Prior to her illness.</p> <p>24 A No.</p> <p>25 Q I'm going to be showing you parts of the text</p>	<p style="text-align: right;">44</p> <p>1 A When Misty and I did procedures together, it was</p> <p>2 always something that I looked forward to doing</p> <p>3 because we would problem-solve together, and we</p> <p>4 would learn from one another.</p> <p>5 Q Could I ask you to look at -- so the pages are</p> <p>6 numbered both at the bottom and in the upper</p> <p>7 right so it's easy to follow. So if I could ask</p> <p>8 you to look at the number at the bottom it's</p> <p>9 DeMars and then it goes 1 and et cetera, okay?</p> <p>10 So if you can go to page 44.</p> <p>11 Are you on that page?</p> <p>12 A Um-hum.</p> <p>13 Q The dark portion under "Birthgiver," that's you,</p> <p>14 right?</p> <p>15 A Yes.</p> <p>16 Q And if you go down to the third item, you wrote,</p> <p>17 "The ultrasound techs were super psyched to see</p> <p>18 you yesterday." Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Why were they super psyched to see Dr. Porter?</p> <p>21 MR. SCHROEDER: Objection. Speculation.</p> <p>22 A I mean, it's hard to put this into context.</p> <p>23 Q Okay. Let me try this. Was Dr. Porter talented</p> <p>24 in the interpretation of first trimester</p> <p>25 ultrasounds?</p>

11 (Pages 41 to 44)

Leslie DeMars CONFIDENTIAL - October 23, 2019

<p style="text-align: right;">69</p> <p>1 mean, Misty had to really teach him how to do an</p> <p>2 embryo transfer, had to be with him coaching him</p> <p>3 on egg retrievals, had to go through cycle</p> <p>4 management with him, that it was an enormous</p> <p>5 amount of work that Misty took on.</p> <p>6 Q Despite that work, you conclude that "he may</p> <p>7 well be unsalvageable." Those are sharp terms,</p> <p>8 right?</p> <p>9 A Misty was highly critical of Albert. This is a</p> <p>10 really good example of my putting a lot of</p> <p>11 weight into what Misty says and a lot of weight</p> <p>12 into my friendship with Misty and then having to</p> <p>13 go and either verify or refute the comments that</p> <p>14 she makes. I had concerns about Albert because</p> <p>15 he came from a training program that didn't</p> <p>16 allow him to do technical procedures. He's an</p> <p>17 incredibly smart guy, but if he couldn't put the</p> <p>18 technical procedures into the right context and</p> <p>19 if he could not do so in a fashion that would</p> <p>20 allow him to pass his boards, he could not</p> <p>21 continue as a faculty member at D-H.</p> <p>22 Q Correct me if I'm wrong, but the way I read this</p> <p>23 February 18, 2017, email you are taking the</p> <p>24 position that it's your opinion that he might</p> <p>25 well be unsalvageable. By that, you mean he</p>	<p style="text-align: right;">71</p> <p>1 Mischaracterizes her testimony.</p> <p>2 Q Is that what you're telling me?</p> <p>3 A I think that that the opinions were influenced</p> <p>4 by Dr. Porter's opinions.</p> <p>5 Q Didn't Dr. McBean tell you that Albert Hsu in</p> <p>6 the OR presented a risk to patient safety?</p> <p>7 A I think that she would have no basis for that</p> <p>8 opinion.</p> <p>9 Q Do you recall receiving that opinion from her?</p> <p>10 A Not specifically.</p> <p>11 Q Let me show it to you.</p> <p>12 We'll mark as 11 an exhibit that has been</p> <p>13 marked Exhibit 12 during the deposition of Ed</p> <p>14 Merrens.</p> <p>15 (Exhibit 11 marked for identification)</p> <p>16 Q Are you ready?</p> <p>17 A Yes.</p> <p>18 Q Do you know Dr. McBean?</p> <p>19 A Yes.</p> <p>20 Q How long have you known her?</p> <p>21 A We were medical students together.</p> <p>22 Q You think she's competent?</p> <p>23 A Yes.</p> <p>24 Q She writes in her message to you of February 22,</p> <p>25 "Albert does not have an adequate skill set with</p>
<p style="text-align: right;">70</p> <p>1 couldn't continue to perform his job at</p> <p>2 Dartmouth-Hitchcock, right?</p> <p>3 MR. SCHROEDER: Objection.</p> <p>4 Mischaracterizes her testimony.</p> <p>5 A I think you're mischaracterizing it.</p> <p>6 Q What did you mean by "unsalvageable"?</p> <p>7 A That I was spending an enormous amount of time</p> <p>8 with both David and with Albert in trying to</p> <p>9 make this division run in Misty's absence, and</p> <p>10 there were things that he would do that were</p> <p>11 repeats such as turning an ultrasound into a</p> <p>12 consult. And that if he -- and he failed his</p> <p>13 boards. If he couldn't get his professional</p> <p>14 performance, this was not an issue of</p> <p>15 competence. It was could he be a member of our</p> <p>16 faculty performing the job of a REI physician.</p> <p>17 Q It wasn't just Dr. Porter who had sharp, highly</p> <p>18 uncomplimentary things to say about Albert Hsu,</p> <p>19 correct?</p> <p>20 A I think they were all based on conversations</p> <p>21 that Dr. Porter had with individuals.</p> <p>22 Q You're telling me that every opinion that you</p> <p>23 got about Albert Hsu was based on conversations</p> <p>24 with Dr. Porter?</p> <p>25 MR. SCHROEDER: Objection.</p>	<p style="text-align: right;">72</p> <p>1 regard to surgery and patient care. He</p> <p>2 regularly practices outside of ARSM standards</p> <p>3 with the regard to IVF which is both effective</p> <p>4 and costly to patients. His surgical skills</p> <p>5 endanger patients."</p> <p>6 Do you recall reading that?</p> <p>7 A Yes.</p> <p>8 Q Okay.</p> <p>9 A So I think that's inflammatory, and I think she</p> <p>10 has no basis on which to assess his surgical</p> <p>11 skills and to put that in an email that he's a</p> <p>12 danger to a patient.</p> <p>13 Q Tell me the investigation you conducted after</p> <p>14 receiving that.</p> <p>15 A I had regular contact with Albert and had</p> <p>16 regular contact with him in the operating room.</p> <p>17 Q What kind of procedures?</p> <p>18 A When he was doing myomectomies, when he was</p> <p>19 doing hysterectomies, when he was doing any open</p> <p>20 GYN procedure, on some laparoscopies.</p> <p>21 Q And based on your personal observation, it's</p> <p>22 your view that he was a competent surgeon.</p> <p>23 A It was my view that he was not a danger to</p> <p>24 patients.</p> <p>25 Q Was he a competent surgeon?</p>

18 (Pages 69 to 72)

Leslie DeMars CONFIDENTIAL - October 23, 2019.

<p style="text-align: right;">109</p> <p>1 made at the leadership level that had</p> <p>2 implications for your place in the organization?</p> <p>3 A No.</p> <p>4 Q Okay. I'm going to mark as Exhibit 14 a series</p> <p>5 of pages from Ed Merrens' testimony, deposition</p> <p>6 testimony, and they're not consecutive because</p> <p>7 there are only a few things I want to ask you</p> <p>8 about, and I think I provided sufficient context</p> <p>9 in each time so that you can understand both the</p> <p>10 question that was asked and Dr. Merrens'</p> <p>11 response.</p> <p>12 (Exhibit 14 marked for identification)</p> <p>13 Q I've given you what's been marked as Exhibit 14.</p> <p>14 If you could go to page 83, please.</p> <p>15 Do you agree that what Dr. Merrens has</p> <p>16 provided there is a accurate summary of what the</p> <p>17 committee said to you?</p> <p>18 A No.</p> <p>19 Q In what respect do you disagree?</p> <p>20 A What Dr. Merrens said was you are responsible</p> <p>21 for Dr. Seifer and his success here. He did not</p> <p>22 elaborate further. He did not hold out that it</p> <p>23 had consequences for my position as Chair.</p> <p>24 Q Okay. How did that make you feel when he told</p> <p>25 you that it was your responsibility to ensure</p>	<p style="text-align: right;">111</p> <p>1 didn't do IVF?</p> <p>2 A I answered that before. I mean, again, IVF does</p> <p>3 not equal REI, and there's consultations to be</p> <p>4 done, evaluation of women with reproductive</p> <p>5 endocrinologic disorders. There were still</p> <p>6 ultrasounds to be read.</p> <p>7 Q Was that work that Albert Hsu was capable of</p> <p>8 performing?</p> <p>9 A Yes.</p> <p>10 Q I'm going to mark as Exhibit 16 a two-page</p> <p>11 document that was marked as Exhibit 4 during the</p> <p>12 Merrens deposition. It's DEMARS0000101 and 102.</p> <p>13 (Exhibit 16 marked for identification)</p> <p>14 Q Does this exhibit include texts between yourself</p> <p>15 and Richard Reindollar?</p> <p>16 A Yes, it does.</p> <p>17 Q And again, you're the Birthgiver?</p> <p>18 A I am Birthgiver.</p> <p>19 Q Yes, okay. And you begin by saying, "Richard,</p> <p>20 I'm not sure that DS," that's David Seifer,</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q "Is clinically competent. I don't know what</p> <p>24 he's been doing for 25 years, but I'm not sure</p> <p>25 it was IVF." And then you go on later on to</p>
<p style="text-align: right;">110</p> <p>1 his success?</p> <p>2 A It was a challenge that I had no alternative but</p> <p>3 to take because I had no other options.</p> <p>4 Q Did it seem fair to you that they had put that</p> <p>5 responsibility on your back?</p> <p>6 A Sure. Yes. I made the decision to hire him.</p> <p>7 Are we done with this one?</p> <p>8 Q For now. If you would just push it to one side,</p> <p>9 thank you.</p> <p>10 A Not in the "done" pile.</p> <p>11 Q Right. You've got the drill down.</p> <p>12 I'm going to mark as Exhibit 15 what has</p> <p>13 been marked as Merrens Exhibit 3. It's a May</p> <p>14 12, 2016, email from Dr. DeMars to Maria Padin.</p> <p>15 (Exhibit 15 marked for identification)</p> <p>16 Q Do you recall writing this email?</p> <p>17 A Yes.</p> <p>18 Q You say in here that if you can't get or can't</p> <p>19 hire Dr. Seifer that you will have to shut the</p> <p>20 REI program down, correct?</p> <p>21 A The IVF program.</p> <p>22 Q Oh, the program you're going to shut down is</p> <p>23 IVF?</p> <p>24 A Yes.</p> <p>25 Q So what would the REI Division look like if it</p>	<p style="text-align: right;">112</p> <p>1 say, "I have heard separately voiced concerns</p> <p>2 from nursing, anesthesia and ultrasound techs.</p> <p>3 The lab folks complain about bloody aspirates</p> <p>4 and low egg counts."</p> <p>5 What caused you to write to Richard</p> <p>6 Reindollar and say I don't think he's clinically</p> <p>7 competent?</p> <p>8 A This is a conversation that I had with Misty</p> <p>9 that I am not attributing to her in this text.</p> <p>10 Q So the judgment that he was not clinically</p> <p>11 competent is her judgment?</p> <p>12 A Yes.</p> <p>13 Q And the separately voiced concerns from nursing,</p> <p>14 anesthesia and ultrasound techs, that's</p> <p>15 something that she heard and not you?</p> <p>16 A Again, this was all primarily surrounding his</p> <p>17 first egg retrieval.</p> <p>18 Q All right. And then that the lab folks complain</p> <p>19 about bloody aspirates and low egg counts.</p> <p>20 That's something that she heard and not you?</p> <p>21 A Yes.</p> <p>22 Q Did you do anything to check the accuracy of the</p> <p>23 information that you put in these texts to</p> <p>24 Richard Reindollar?</p> <p>25 A I was with, yes, I had separately been</p>

28 (Pages 109 to 112)

Leslie DeMars CONFIDENTIAL - October 23, 2019

<p style="text-align: right;">125</p> <p>1 answered.</p> <p>2 A No.</p> <p>3 Q How do you know what she's referring to there?</p> <p>4 A Because it is the same situation that was --</p> <p>5 Q How do you know that? How do you know that</p> <p>6 there weren't five times that they performed</p> <p>7 tubal patency exams on a woman without consent?</p> <p>8 How do you know that?</p> <p>9 A Because I addressed it with Albert. I addressed</p> <p>10 the issue with the ultrasound tech, I addressed</p> <p>11 it with Albert. I have to be confident that</p> <p>12 Albert is not going behind my back.</p> <p>13 Q What did you say to Albert? I didn't realize</p> <p>14 you spoke to him about it.</p> <p>15 A In clarifying his role of what is he doing when</p> <p>16 he is doing ultrasounds. Clarifying his</p> <p>17 learning doing tubal patency tests, and</p> <p>18 clarifying on what patients he is doing those,</p> <p>19 and clarifying the process by which those</p> <p>20 happen.</p> <p>21 Q Did he or did he not have the consent of the</p> <p>22 patient for this tubal patency examination?</p> <p>23 A It didn't happen.</p> <p>24 Q He didn't do it.</p> <p>25 A No.</p>	<p style="text-align: right;">127</p> <p>1 surprise me at all.</p> <p>2 Q Did you talk to him about any of these issues</p> <p>3 reflected in the exhibits in front of you?</p> <p>4 MR. SCHROEDER: Who's he?</p> <p>5 Q Sorry. Ed Merrens.</p> <p>6 A No.</p> <p>7 Q Why not?</p> <p>8 A Because he looked at me at the Credentialing</p> <p>9 Committee and said this is on you.</p> <p>10 Q When were the first discussions about the</p> <p>11 possibility of closing the REI Division?</p> <p>12 A There was no discussion about it. That was</p> <p>13 April of 2017, May 2017, that was after this</p> <p>14 time.</p> <p>15 MR. SCHROEDER: After what time?</p> <p>16 A After February.</p> <p>17 Q So Ed Merrens thought it was in March. Does</p> <p>18 that sound right or do you think it was April</p> <p>19 before the discussion started?</p> <p>20 A I think it was April or May. And there was, the</p> <p>21 discussion was never, the discussions we were</p> <p>22 having were to contract and to stop IVF. The</p> <p>23 discussions were never to close the division.</p> <p>24 Q And who were the persons who were involved in</p> <p>25 these discussions?</p>
<p style="text-align: right;">126</p> <p>1 Q So tell me what he told you about this</p> <p>2 situation.</p> <p>3 A The ultrasound tech told me that he wanted to do</p> <p>4 a tubal patency test on a patient. It was not</p> <p>5 scheduled. She told him that he couldn't do it</p> <p>6 and they didn't do it. That's my understanding</p> <p>7 of the situation.</p> <p>8 Q And this happened one time.</p> <p>9 A Yes.</p> <p>10 Q Okay. Do you have the Merrens testimony there?</p> <p>11 Page 120. Line 2. He's been shown the exhibits</p> <p>12 that you have in front of you there. The</p> <p>13 assessments that we've been discussing? And Dr.</p> <p>14 Merrens says that those documents --</p> <p>15 MR. SCHROEDER: Let her read -- if you want</p> <p>16 to ask her about page 120, just let her read it.</p> <p>17 MR. VITT: Oh, I'm sorry. Sure.</p> <p>18 Q Okay. Do you agree with Dr. Merrens that these</p> <p>19 reviews raise significant concerns on many</p> <p>20 levels. Technical skill, standard of care,</p> <p>21 approach to patients, collaboration with a team</p> <p>22 and overall vision. Do you agree with that?</p> <p>23 A I think if he were seeing this out of context,</p> <p>24 yes. My seeing these in the course of that</p> <p>25 entire year that he was at D-H, this doesn't</p>	<p style="text-align: right;">128</p> <p>1 A Heather --</p> <p>2 Q Heather Gunnell.</p> <p>3 A Daniel Herrick.</p> <p>4 Q Okay. You?</p> <p>5 A The Value Institute. Me. Nursing leadership.</p> <p>6 Q So I want to make sure I've got this right. The</p> <p>7 issue of contracting the division?</p> <p>8 A Contracting the service.</p> <p>9 Q Is that the right term? Contracting the</p> <p>10 service?</p> <p>11 A Yes. We were trying to contract performing IVF</p> <p>12 services.</p> <p>13 Q Was the Value Institute involved in the</p> <p>14 discussions with Ed Merrens, Daniel Herrick,</p> <p>15 Heather Gunnell and yourself about the</p> <p>16 arrangements for possibly contracting the</p> <p>17 service that was going to be provided by the</p> <p>18 division?</p> <p>19 A Ask that question again, please?</p> <p>20 Q Sure. I'm just trying to figure out who were</p> <p>21 the parties, who were the individuals, who were</p> <p>22 having discussions about the possibility of</p> <p>23 contracting the services to be provided by the</p> <p>24 REI Division? And I thought it was Ed Merrens,</p> <p>25 Daniel Herrick, Heather Gunnell and yourself and</p>

32 (Pages 125 to 128)